THE

LAWS AND ACTS

OF THE SECOND

PARLIAMENT,

Of our most High and Dread SOVERAIGN,

CHARLES

THE SECOND;

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Begun at *Edinburgh*, the 19. of *October*, 1669.

By a Noble Earl, John *Earl of* Lauderdail, *Viscount* Maitland, *Lord* Thirlestane *and* Bolton, *&c. His* MAJESTIES *Commissioner for holding the same, by vertue of a* COMMISSION *under His* MAJESTIES *Great Seal of this Kingdom:*

With the special Advice and Consent of the Estates of Parliament.

Extracted from the Records of PARLIAMENT, be Sir *ARCHIBALD PRIMEROSE* of *Chester*, Knight and Barronet, Clerk to His MAJESTIES Council, Registers and Rolls.

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CUM PRIVILEGIO.

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LAWS and ACTS made in the second PARLIAMENT *of our most High and Dread Soveraign*, CHARLES *the Second, by the Grace of* GOD, *King of* Scotland, England, France *and* Ireland, Defender of the Faith.

I.

ACT asserting His Majesties *Supremacy over all Persons and in all Causes Ecclesiastical.*

November 16. 1669.

THE Estates of Parliament having seriously considered, how necessar it is, for the good and Peace of the Church and State, That His *Majesties* Power and Authority, in relation to Matters and Persons Ecclesiastical, be more clearly asserted by an Act of Parliament; Have therefore thought fit it be Enacted, Asserted and Declared, Likeas, His *Majesty*, with Advice and Consent of His Estates of Parliament, doth hereby Enact, Assert and Declare, That His *Majesty* hath the Supreme Authority and

Supremacy over all Persons and in all Causes Ecclesiastical within this His Kingdom; and that by vertue thereof, the Ordering and Disposal of the External Government and Policy of the Church doth properly belong to His *Majesty* and His Successors, as an inherent Right to the Crown: And that His *Majesty* and His Successors may Settle, Enact and Emit such Constitutions, Acts and Orders, concerning the Administration of the External Government of the Church, and the Persons imployed in the same, and concerning all Ecclesiastical Meetings, and Matters to be proposed and determined therein, as they in their Royal Wisdom shall think fit. Which Acts, Orders and Constitutions, being recorded in the Books of Council and duly published, are to be observed and obeyed by all His *Majesties* Subjects, any Law, Act or Custom to the contrary notwithstanding. Likeas, His *Majesty*, with Advice and Consent foresaid, doth Rescind and Annull all Laws, Acts and Clauses thereof, and all Customs and Constitutions, Civil or Ecclesiastick, which are contrary to, or inconsistent with, His *Majesties* Supremacy as it is hereby asserted, And declares the same void and null in all time coming.

ACT

II.

An Act concerning the Militia.

November 16. 1669.

Forasmuch as by divers ancient Laws and Acts of Parliament, made in the Reigns of His *Majesties* Royal Ancestors, it is Statute and Ordained, That Weapon-showings be holden in ilk Shire several times in the year, at which the Lieges are appointed to be harnished and armed, according to their qualities and degrees; as at length is specified in these Acts. And it being declared by the fifth Act of the first Session of His *Majesties* late Parliament, That it is His *Majesties* Prerogative-Royal and undoubted Right, to have the power of raising in Armes the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwayes disposing thereof as He shall think fit. As also, the Estates of Parliament of this Kingdom, in recognisance of His *Majesties* Royal Prerogative foresaid, and in a further acknowledgement of their duty, Having, by the twenty fifth Act of the last Session of the foresaid Parliament, made offer to His *Majesty* of twenty thousand Footmen and two thousand Horsemen, sufficiently armed and furnished with fourty dayes provision, to be raised from the several Shires of the Kingdom, according to the proportions expreſt in that Act, to be in readiness as they shall be called for by His *Majesty*, to march to any part of His Dominions of *Scotland*, *England* or *Ireland*, for any service wherein His *Majesties* Honour, Authority or Greatness may be concerned. And His *Majesty*, finding it expedient that the foresaid number of Foot and Horse should be modelled and trained in military discipline, to the effect they might be in greater readiness and fitness for His *Majesties* Service when they should be called for, Having, by advice of His Privy Council, constituted and settled a Militia of Horse and Foot in many Shires of the Kingdom, according to the proportions mentioned in the foresaid Act; and in some other Shires a Militia of Horse only; having thought fit in this exigent, for important reasons, to change their Foot into a proportion of Horse, suteable to the charge of their proportion of Foot: And having nominated and appointed the Collonels and Lieutenant-Collonels of Foot, and Captains of Horse; And the Lords of Privy Council having, by His *Majesties* Order and Warrand, appointed Commissioners of the Militia in the several Shires, ordered the election of the inferiour Officers, appointed

particular

particular dayes of Rendezvous, the way of liſting of Foot-ſouldiers, ordered fit allowances to be given to the Foot and Horſemen every day of the Rendezvous; That Collours, Standarts, Drums and Trumpets be provided at the charge of the Shire; and having given ſeveral other Orders and Inſtructions concerning the ordering and diſpoſing of the Militia, The Eſtates of Parliament do in all duty acknowledge His *Majeſties* ſingular Wiſdom and tender Care of this His ancient Kingdom, in conſtituting and ſettling the foreſaid Militia. Likeas, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Ratifie and Approve the conſtitution and model of the Militia, as the ſame is eſtabliſhed by His *Majeſty*, with advice of His Privy Councll: And particularly, their appointing dayes for Rendezvous, ordering fit allowances to be given to the Foot and Horſemen the ſaids dayes of their Rendezvous; And all Acts, Commiſſions, Orders and Inſtructiones paſt and emitted by the Council concerning the Militia, and their whole proceedings relating thereto. And Statutes and Ordaines, that in all time coming there be allowed to each Footman ſix ſhillings *Scots*, and to each Horſeman eighteen ſhillings *Scots*, every day of the Rendezvous, to be payed be the Heretors; And that the ſaid ſix ſhillings to be payed to the Footmen, be refounded to the Heretors by the men-tennents and ſervants for whom the Footmen are put out, and who are not liſted in the Militia. And alſo Statutes and Ordaines, that the Rendezvous be punctually keeped, that Horſe and Foot be duely outreiked and ſufficiently armed, that Fractiones with their proportions of the price of the Collours, Drums, Standarts, and Trumpets be timeouſly payed. Likeas, His *Majeſty*, with advice foreſaid, doth give power and warrand to the Commiſſioners of the Militia in the reſpective Shires, to fine parties for the Souldiers abſence from the Rendezvous, not exceeding ſix pounds *Scots* for the Horſeman, and two pounds *Scots* for the Footman abſent ilk day of the Rendezvous; And likewiſe, ſuch as ſhall be deficient in the outreik of Horſe or Foot, or in payment of the fractions thereof, or of the proportions of Collours, Drums, Standarts and Trumpets, or of the pay allowed by this preſent Act to the Horſemen or Footmen, the men-tennets and ſervants for whom the Footmen are put out, being alwayes lyable to relieve the reſpective Heretors of the payment of the fines aforeſaid, in ſo far as concerns the deficiency in outreik of Foot, or payment of the fractions thereof, or abſents of the Footmen from the dayes of Rendezvous. And to the effect, more ready obedience may be given to this preſent Act and Ordinance, His *Majeſty*, with advice foreſaid (without derogation from any power already given by the Inſtructions or Acts of Council) doth authorize and impower the Commiſſioners of the Militia in the reſpective Shires,

or

or any three of them (two of the *quorum* not being Officers) after tryal taken, that parties have been absent from the Rendezvous, or deficient in the outreiks and paymens foresaid; to give order and warrand to any one of the Serjants of Foot of the respective Companies, or Corporals of Horse to be named by the saids Commissioners, to poind and destreinzie the readiest Goods and Geer of these absent or deficient, wherever the same may be found, appryse and make sale thereof towards the payment of the sums specified in the said Warrand, and of the charges and expenses of the poinding and appryseing, these charges alwayes not exceeding als much more as the sums for which the poinding shall be used. Likeas, His *Majesty*, with advice foresaid, constitutes the said person, to whom the foresaid Order shall be directed, Sheriff in that part, with power to him, by vertue of that Order, to poind the Goods without necessity of carrying the same to the Parochchurch or Mercatcross of the head Burgh of the Shire to be appryseed; and to do and act in the execution of the said Order, forsike as a Messenger at Armes may do by the Law, in execution of Letters of poinding and appryseing given under His *Majesties* Signet: Providing always, that the goods pointed be valued and appryseed by two honest sworn men, whose oathes the said Sheriff in that part is authorized to take to that effect; And declares, That it shall be leisome to the party from whom the Goods shall be poinded, to redeem the same within six dayes after the poinding, by payment of the sums, for which the poinding shall be used, expenses of the poinding foresaid, and twelve shillings *Scots* each day during the not redemption. And in case the party do not redeem the goods poinded within the space foresaid, Declares that it shall be lawfull to the said Sheriff in that part, to retain the goods or sell the same, with deduction of the third of the sum to which they were appryseed, He always being countable for the price thereof to the Commissioners of the Militia, who are to see the party, from whom the Goods were poinded, satisfied of the *superplus* of the price (if any be) of the Goods for which the poinding was used, expenses foresaids of the poinding, third part of the value to which the Goods were appryseed, with twelve shilling *Scots* ilk day during the space that the party had power to redeem, being always deduced; and declares the said Warrand, being signed by three of the saids Commissioners (one of them only being an Officer) to have the force and strength of an Decreet; and that there is no necessity of any Precept or Charge to follow thereon: And that the poinding and appryseing so used, by vertue of the said Warrand, is and shall be als lawful and valid, as if all the solemnities requisite and usual in poindings were observed; whereanent His *Majesty*, with advice foresaid, doth dispense in this case of the

the Militia. And it is declared, that thefe who are not fufficiently armed or mounted at the Rendezvous, fhall be holden as abfent therefrom; and fhall be fined and pointed accordingly in manner foreſaid. And for prevening debates that may arife the time of muſtering, it is Declared, that Lieutenants and Cornets of Horfe fhall be reckoned of the number of Horfemen, appointed to be put out in the reſpective Shires; But prejudice alwayes to any of the ſaids Officers, to claim and ſute payment of Fractions, if they be Leaders of Horfe. As alſo, His *Majeſty*, with advice foreſaid, doth authorize and impower the Lords of His Privy Council from time to time, to appoint dayes of Rendezvous, and to give ſuch further orders as ſhall be requiſite for the full eſtabliſhment of the Militia in every particular thereof, and to call for an account from the ſeveral Shires of their procedure and diligence in ſettling the ſame. And commands and requires all His *Majeſties* Subjects of whatſoever degree or quality, to give due and ready obedience to all ſuch orders and directions as they ſhall receive from His *Majeſties* Privy Council, relating to the Militia, under the pains and certifications contained in any Acts made, or to be made by them thereanent.

ACT

III.

Act for regiſtration of Inſtruments of Reſignation ad remanentiam.

November 16. 1669.

OUR Soveraign Lord, with the advice of the Eſtates of Parliament, Statutes and Ordains, That all Inſtruments of Reſignation that ſhall be made in the Superiour hands, *ad remanentiam*, (fourty dayes after the publication hereof) be regiſtrate within threeſcore dayes after the date thereof, in the ſame manner and way, and at the ſame rates as Renunciations, Seiſings or Reverſions; To the effect, the Lieges may the better know, that the Inſeftment which was granted to the Reſigners is thereby void and extinct, and that they may be put *in mala fide* to contract with the Reſigner thereanent, or to compriſe the ſame from him, otherwayes the ſaid Reſignation to be null. It is alwayes hereby Declared, That the Inſtruments of Reſignation of Tenements, Lands and Fiſhings holden in free Burgage, being regiſtrate in the Town Court Books of the Burgh, ſhall not fall within the certification of this preſent Act.

IV.

Act concerning poinding before the dayes of the Charge expire.

November 16. 1669.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, that hereafter it ſhall not be lawful to poind moveables upon regiſtrate Bonds, or Decreets for perſonal Debts, while the Parties be firſt charged, and the dayes of the Charge be expired: With certification, that poinding otherwayes uſed ſhall be null, and the poinders ſhall be puniſhed and proceeded againſt as ſpuiliers: But prejudice alwayes of any Decreets recovered at the inſtance of Heretors againſt their Tennents in their own Courts; whereupon it ſhall be lawful to them to uſe poinding as formerly; And but prejudice to Superiours to uſe poinding againſt their Vaſſals for their Few-duties, as they might lawfully have done of before.

V.

A ACT for the ſecurity of the Perſons of Miniſters.

November 30. 1669.

FOraſmuch as the Kings *Majeſty*, conſidering how juſt and neceſſar it was, that the Orthodox Clergy ſhould be protected from the violence of diſaffected and diſloyal perſons; Did therefore, with advice of His Privy Council, by His Royal Proclamations of the fifteenth of *March* and thirteenth of *June*, one thouſand ſix hundred and ſixty ſeven, command and charge all Heretors, Liferenters and others, having any real Intereſt or Rent within the ſeveral Paroches of the Kingdom, to protect, defend and ſecure the Perſons, Families and Goods of their Miniſters, not only in the exerciſe of their miniſterial Function, but in their dwelling Houſes; or being elſewhere within the Paroch, from all injuries, affronts and prejudices which they might incur in their Perſons or Goods, from the violence and invaſion of any diſaffected, diſloyal or other wicked perſon: With certification, if the actors of ſuch outrages ſhould not be apprehended and brought to tryal, by the means and diligence of the Parochioners, the Parochioners ſhould be decerned to pay to the ſuffering Miniſter for reparation, damage and intereſt, ſuch a ſum and fine as His *Majeſties* Council ſhould determine; as is more fully expreſt in the ſaids Proclamations. And the Eſtates of Parliament, having taken to their conſideration the proceedings of His *Majeſties* Council herein; and finding that the protection of the Orthodox Clergy, and the reſtraining of the inſolency of diſaffected, diſloyal and wicked perſons at this time, did require more nor ordinary means and care from His *Majeſties* Council; Have therefore thought fit, Likeas, His *Majeſty*, with advice and conſent of His Eſtates, doth hereby Ratifie and Approve the two Proclamations aforeſaid, and the proceedings of His *Majeſties* Council in proſecution thereof; and authorizeth them ſtill to proſecute the ſame as occaſion ſhall offer, until His *Majeſty* in His next Parliament give farther Orders therein. And it is Declared, That this Act is and ſhall be but prejudice of any former Laws and Acts of Parliament made againſt the invaders of Miniſters, and of the pains therein contained; And particularly the twenty ſeventh Act of the eleventh Parliament of King *James* the ſixth, and ſeventh Act of King *Charles* the firſt His Parliament in *Anno*, 1633. Which Acts, His *Majeſty*, with advice foreſaid, doth hereby Ratifie and Approve, and Declares the ſame to ſtand in full force, ſtrength and effect in time coming.

ACT

VI.

Act for the ordering of Suſpenſions of the Benefices and Stipends of the Clergy.

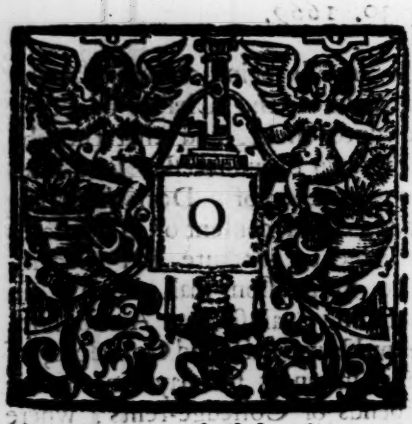
November 30. 1669.

THe Kings *Majeſty* being careful that the maintainance of the Clergy be duely ſecured unto them, and that they be not withdrawn by unneceſſar Law-ſutes for recovery thereof: Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, That no Suſpenſion ſhall be paſt in time coming againſt any Archbiſhop, Biſhop, Miniſter of the Goſpel or Univerſities and Colledges, of any Charges to be given at their inſtances for payment of the Rents of their Benefices, Stipends or Colledge-rents, where they have ſpecial Decreets againſt the Heretors or Poſſeſſors due and lyable in payment thereof to them, except upon production of Diſcharges, or conſignation of the ſums charged for, if the Rent of the Benefice or Stipend conſiſt in money; or of one hundred merks Scots for ilk Chalder of Victual where the ſame conſiſts in Victual, and proportionally if the Victual charged for be leſs then a Chalder, without prejudice to the Lords of Seſſion to modifie a greater or leſs ſum for the Chalder of Victual, as they ſhall find cauſe at the diſcuſſing of the Suſpenſion. And if any Bill of Suſpenſion of a general Charge ſhall be preſented in time of Seſſion, That the ordinary Lord upon the Bills, before the paſſing thereof, call for the Chargers at the Bar, that they may inſtruct the ground of the Charge: And in caſe it ſhall be found by the Lords of the Seſſion, at the diſcuſſing of the Suſpenſion, that either the Charge hath been malitiouſly given or malitiouſly ſuſpended, That the Lords modifie a fifth part of the ſum charged for, of expenſes of Plea to be payed by the malitious Charger or Suſpender.

VII.

An ACT for Naturalization of Strangers.

December 8. 1669.



OUR Soveraign Lord, out of His Innate Bounty and Royal Inclination to favour and protect Strangers, and for the encreaſe and promoving of Trade and Manufactories, being graciouſly pleaſed and willing to give encouragement to Strangers to repair to, and dwell and reſide within this Kingdom; Hath therefore thought fit, Likeas, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth hereby Statute, Ordain and Declare, That all Strangers, being of the Proteſtant Religion, either ſuch who having Eſtates ſhall think fit to bring the ſame to this Kingdom, to dwell and inhabite within the ſame; or who ſhall come to ſet up new Works and Manufactories therein, and ſhall repair to, and ſettle their abode, dwelling and reſidence within this Kingdom; ſhall be, and are hereby naturalized as native born Subjects of the Kingdom of *Scotland*, and are to enjoy His *Majeſties* Royal Protection, the benefit of the Law, and all other Priviledges which a Native doth enjoy, als freely in all reſpects, as if they themſelves had been born within the ſame; and that they ſhall have liberty and freedom of Trade, and freedom to buy and purchaſe Lands, Heretages, and other Goods moveable and immoveable, and to enjoy the ſame by ſucceſſion, purchaſe or donation, or any other way; and to diſpoſe thereof and tranſmit them to their Heirs and Succeſſors, who are to ſucceed thereunto: And to enjoy all other Liberties, Priviledges and Capacities which do belong to, and are competent, or may and ſhall belong to any native Subject born within this Kingdom. And further, His *Majeſty* doth Declare, that upon applications to be made unto Him by theſe Strangers, He will grant unto them the free and publick exerciſe of their Religion in their own Languages, and the liberty of having Churches within

within this His Kingdom. It is alwayes hereby provided, that no perſon or perſons ſhall have the benefit of this Act, until firſt by Petition to the Lords of His *Majeſties* Privy Council, containing an exact deſignation of their names, places of their birth and former reſidence, and that they are of the Proteſtant Religion, it be found by the Council, that they are qualified according to this Act, and ought to have the benefit thereof. And it is hereby Declared, that theſe preſents, with an Extract of the Act of Council in favours of the ſaids perſons to the effect aforeſaid, ſhall be unto them a ſufficient Naturalization to all intents and purpoſes. Which Extract ſhall be given to them freely, without payment of any money or compoſition; ſave only the Fee of nine pounds *Scots* money to the Clerks of Council and their Servants.

ACT

VIII.

ACT concerning the Bullion.

December 8. 1669.

OUR Soveraign Lord conſidering, that by divers former Acts of Parliament made by the Kings *Majeſty* and His Royal Anceſtors, and ſpecially by the thirty ſeventh Act of the firſt Seſſion of His *Majeſties* firſt Parliament, it is Statute and Ordained, that all and whatſoever Commodities yearly exported forth of this Kingdom, ſhould be lyable to the payment of Bullion, twelve denier fine, according to the quantities contained in the Alphabet of Bullion thereto adjoyned, and that for the yearly ſupport of a ſtock of Coinage within the Kingdom, and for ſupplying of His *Majeſties* Mint, being a part of His Prerogative Royal. And His *Majeſty* and the Eſtates of Parliament, being ſtill willing to ſupport and encourage the ſame, and to provide for all neceſſary wayes and remedies for increaſing the ſtock of Coinage within the Kingdom, and eſpecially thoſe that may be of moſt advantage, and may moſt encourage the Manufactories and the natural growth and native Commodities of the Kingdom; And finding, that the removing of the Bullion from the whole native Commodities and others exported forth of this Kingdom, and that the impoſing of the ſaid Bullion upon the Commodities imported, or ſome conſiderable part thereof, may very much contribute thereto; And being reſolved, that His *Majeſties* Mint ſhould be hereby encouraged, and that no hurt or derogation ſhould thereto occur by this change. Therefore, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Declares, That all and whatſoever native Commodities of this Kingdom, and others that ſhall be exported forth thereof, contained in the foreſaid Alphabet of Bullion, after the ſecond day of *February* next to come, one thouſand ſix hundred and ſeventy years, ſhall be free, and are hereby diſcharged of the payment of all quantities of Bullion therein contained: And the Cuſtomers and their Deputies are hereby prohibited and diſcharged to take ſurety or pledges, or to uſe any other exaction upon the Merchants therefore, under all higheſt pain. And His *Majeſty*, with advice foreſaid, Reſcinds and Annulls any Clauſes contained in the foreſaid thirty ſeventh Act of the firſt Seſſion of His *Majeſties* firſt Parliament, or in any other Acts of Parliament, in

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ſo far allanerly as the ſame impoſes Bullion upon the native Commodities of this Kingdom, and others to be exported forth thereof, and no further: And in lieu and place thereof, Statutes and Ordains, That the imported Goods and Commodities underwritten be lyable in payment of the ſeveral quantities of Bullion aftermentioned, *viz.* Spaniſh, Rheniſh and Brandy-wines of all ſorts, each Tun twenty four ounces, twelve denier fine; French-wines of all ſorts, every Tun twelve ounces; Loaf-ſuggar the hundred weight, ſix ounces; Playing-cards, one ounce the groſs; Paper for Printing and Writing of all ſorts, one ounce every ſix rimms; Gray-paper, every twelve rimms one ounce; Deals, every thouſand five ounces; Single-trees, every thouſand five ounces; Double-trees, every thouſand ten ounces; Double-double-trees, and all other greater Fir-timber, every thouſand twenty ounces; Steel, every hundred weight one ounce; Iron and Iron-work beaten of all ſorts, every Tun two ounces; Onions and Aples, every two Barrels one ounce; Mum-beer, every Barrel four ounces; Prunes, every Tun four ounces; Raiſins, Currants and Figs, every Tun ten ounces; Iron-pots of all ſorts, every dozen one ounce; Soap, every Barrel two ounces; Suggar-candy, every hundred weight ten ounces; Copper-kettles, Braſs-pans, and all other made work in Braſs or Copper, Yetline or beaten, every hundred weight four ounces; Mader, every thouſand weight five ounces; Hats of all ſorts, every three dozen two ounces; Window-glaſs of all ſorts, every Cheſt one ounce; Limons and Oranges, each thouſand one ounce; Hops of all ſorts, every hundred weight one ounce; Spaniſh-leather, Marikin, Tanned-leather, Wild-leather, and all other ſorts of Leather, except *Muſcovia*-leather; every hundred weight one ounce; Gloves of all ſorts, each dozen one ounce; Whale-bone or Baline, ilk two hundred weight one ounce. And Statutes and Ordains, That the Merchant or other importers of the abovewritten Commodities or any of them, make ready payment of the foreſaids quantities of Bullion hereby impoſed, to the Officers of His *Majeſties* Mint for the time, being of the fineneſs of twelve Deniers, and being baſer to be conſidered by weight and reckoning, and that immediately upon the entry of the ſaids Goods; And in caſe the ſaid importer ſhall fail to pay in the ſaid Bullion at his entry, he ſhall be holden and aſtricted, to make payment of the ſum of twelve Shillings *Scots* for ilk ounce thereof to the Collectors, at the Port or Precinct where he enters the ſaids Goods; and which money ſo payed by him at his entry, ſhall be redeemable from the ſaids Collectors, upon the payment of the foreſaids quantities of Bullion in to the Officers of His *Majeſties* Mint: Provided alwayes, ſuch payment of Bullion be made within fourty dayes, after the date of the entry of the Goods, and not thereafter. And it is hereby Declared, That it ſhall not be

lawful

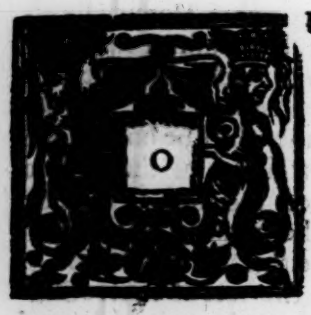
lawful to the ſaid Tackſ-men, Collectors or their Deputies, to permit the ſaids importers to break Bulk, or to give them Tranſire's or other warrant thereanent, till firſt the ſaids Importers report or produce the Mint-maſters receipt of the due quantity of Bullion payed *in ſpecie*, or elſe, that the Tackſ-men Collectors or their Deputies, receive payment of twelve Shillings *Scots* for ilk ounce of Bullion not delivered in to the Mint; and for ilk ounce of Bullion of twelve Denier fine, ſopayed in to the Mint *in ſpecie* by the Importer, he is to have delivered back to him in His *Majeſties* Coin three pounds ten pennies *Scots*, and for ilk ounce of eleven Deniers fine, he is to have delivered back to him fifty five ſhillings nine pennies *Scots*, and ſo proportionably conform to the fineneſs of the Bullion given in, and that in ſatisfaction of all Dues whatſoever that can be acclaimed by the Officers of the Mint, for His *Majeſty* or otherwiſe. And whereas, by the former Acts of Parliament made anent Bullion, the general Tackſ-men and Collectors of the Cuſtoms and their Deputies, were bound and oblieged to take ſicker Surety or Pledges, ſuch as they would be anſwerable for, for the Bullion to be brought in, and which then lay upon the export, and that what reſted not delivered to the Mint, the ſaids Tackſ-men, Collectors and their Deputies, were to be anſwerable therefore; And that by the conſtant practice of His *Majeſties* Exchequer, the ſaids Tackſ-men and Collectors, by their Tacks and Commiſſions given to them, and Obligations granted by them, are bound to make count, reckoning and payment of the whole Bullion then ariſing upon the export of this Kingdom. And leſt His *Majeſty* or His ſaid Mint ſhould ſuſtain any hurt or prejudice, or be at any uncertainty by looſing of theſe bonds, or by this change; Therefore it is hereby Statute and Ordained, that all general Tackſ-men of His *Majeſties* Cuſtoms of this Kingdom, general Collectors of the ſame and their Deputies, preſent and to come, ſhall be, and are hereby bound and oblieged, *virtute Officii*, and by the acceptation of their Tack or Office, to make count, reckoning and payment to the Officers of His *Majeſties* Mint, of all and whatſoever quantities of Bullion that ſhall yearly ariſe upon the imported Commodities aforementioned, and which ſhall be delivered by the Merchant *in ſpecie*; and alſo to make payment of all ſuch ſums of Money, as ſhall be payed by the Merchant to them, in place of Bullion, at the aforeſaid rate of twelve ſhillings *per ounce*, to the General and Maſter of the Mint for the time being, and that quarterly; beginning the firſt quarters payment at the terme of *Whitſonday* next, one thouſand ſix hundred and ſeventy, and ſo-forth yearly and quarterly thereafter. And whereas, the ſaids Tackſ-men, Collectors or their Deputies, were formerly holden and aſtricted to give in exact accounts of the whole Commodities exported yearly forth of this Kingdom upon Oath,

Oath, whereby the full charge of the Bullion was yearly known; And to the effect, that the full charge of the Bullion now impoſed upon the foreſaids Commodities imported, may be als fully known: It is hereby Statute and Ordained, That the ſaids Tackſ-men, Collectors or their Deputies at all the Ports or Precincts within this Kingdom, ſhall give in yearly in Exchequer the exact account of the ſeveral quantities of the Commodities, whereupon Bullion is hereby impoſed, and that upon Oath, at the feaſt and terme of *Martimas* yearly: As alſo, to exhibit and produce the ſubſcribed Entries by the Merchants of the foreſaids Goods imported; and for that effect, that Letters of Horning be directed againſt the ſaid general Collectors, Tackſmen and their Deputies, by the Lords of His *Majeſties* Exchequer, upon a charge of ſix dayes: And it is hereby Declared, That the ſaids Tackſ-men, Collectors or their Deputies ſhall be holden and aſtricted to deliver to the importer, Certificates of the foreſaid Bullion *in ſpecie*, or of the Money payed therefore at the rate foreſaid, *gratis*. And whereas, by the meaning of this Act, it is left in the option of the importer, either to pay Bullion *in ſpecie* or to pay Money for the ſame, at the rate of twelve Shillings *per ounce*, and that the Money ſo payed is to be delivered to the General and Maſter of the Mint, by the ſaids Tackſ-men Collectors and their Deputies, and thereby the ſaid General and Maſter are oblieged to import the ſtock of Bullion themſelves: Therefore it is hereby Statute and Ordained, that the ſaids Officers ſhall be oblieged to Coin the ſaid Bullion ſo imported by them, and to make the ſame paſs His *Majeſties* Irons, and that the ſaids Officers be controled by their Letters of receipt of the ſaids ſums of Money granted by them, to the ſaids Tackſ-men, Collectors and their Deputies. And it is hereby Declared, That the foreſaids whole Commodities imported after the foreſaid day, ſhall be liable to the ſeveral proportions of Bullion above ſpecified, notwithſtanding of any Act or Acts of Parliament formerly made, or to be made in this preſent Parliament, in favours of any Manufactories, Companies of Fiſhing or Trade, or other Acts whatſoever, which are hereby Declared not to impede the payment of Bullion impoſed upon the imported Goods foreſaids, in manner abovementioned.

IX.

ACT concerning Preſcriptions.

December 8. 1669.



OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all Arreſtments to be uſed hereafter upon Decreets, regiſtrate Bonds, Diſpoſitions or Contracts, not purſued and inſiſted on within five years after the laying on thereof, ſhall after that time preſcrive; And that all Arreſtments already uſed upon the grounds aforeſaid, ſhall preſcrive within five years after the date hereof. And that all Arreſtments, uſed or to be uſed upon dependance of Actions, ſhall likewayes preſcrive within five years after Sentence is obtained in the ſaids Actions, if the ſaids Arreſtments be not purſued or inſiſted on within that time. And likewayes, His *Majeſty*, with advice foreſaid, Statutes and Ordains, That Miniſters Stipends and Multars not purſued for within five years after the ſame are due, And likewayes Mails and Duties of Tennents, not being purſued within five years after the Tennents ſhall remove from the Lands for which the Mails and Duties are craved, ſhall preſcrive in all time coming: Except the ſaids Miniſters Stipends, Multars, Mails and Duties ſhall be offered to be proven to be due and reſting owing, by the defenders their Oaths, or by a ſpecial Writ under their hands, acknowledging what is reſting owing; And that all Bargains concerning moveables or ſums of money, probable by Witneſſes, ſhall only be probable by Writ or Oath of Party, if the ſame be not purſued for within five years after the making of the Bargain. And further, His *Majeſty*, with advice and conſent foreſaid, Statutes and Ordains, That all Actions proceeding upon Warnings, Spuilzies, Ejections, Arreſtments, or for Miniſters Stipends and others foreſaid, ſhall preſcrive within ten years, except the ſaid Actions be wakened every five years: But prejudice alwayes of any of the ſaids Actions, which by former Acts of Parliament are appointed to preſcrive in a ſhorter time. And alſo Statutes and Ordains, That Holograph miſſive Letters, and Holograph Bonds, and Subſcriptions in Compt-books without Witneſſes, not being purſued for

for within twenty years, ſhall preſcrive in all time thereafter; Except the purſuer offer to prove, by the defenders Oath, the verity of the ſaids Holograph Bonds and Letters, and Subſcriptions in the Compt-books. It is alwayes hereby Declared, That Preſcriptions ſhall not run in any of the Caſes foreſaid, againſt Minors during the years of their Minority.

X.

Act concerning Interruptions.

December 8. 1669.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all Interruptions, as to the Rights of Lands be citations, ſhall in all time hereafter be execute by Meſſengers at Arms, and againſt the defenders perſonally or at their dwelling places, and at the Paroch Churches in the time of Divine Service, or immediately after; And in caſe the Parties be forth of the Kingdom, at the Mercat-croſs of *Edinburgh*, and Peer and Shore of *Leith*, upon three-ſcore dayes. And that all Citations that ſhall be made uſe of for Interruptions, whether in real or perſonal Rights, be renewed every ſeven years, otherwayes to preſcrive; Except the Parties be Minors: In which caſe this Act is not to be extended againſt them, during the years of their Minority.

XI.

ACT concerning the forfeiture of perſons in the late Rebellion.

December 15. 1669.

OUR Soveraign Lord and His Eſtates of Parliament, having conſidered the Proceſs of Treaſon, purſued and deduced at the inſtance of Sir *John Nisbet* of *Dirletoun*, His *Majeſties* Advocat, by Warrand and Order of His *Majeſties* Privy Council before the Juſtice, againſt the perſons after-mentioned, for their treaſonable riſing in Armes, and being in, and having acceſſion to, the late Rebellion in the Weſtern-Shires, in the year of our Lord, one thouſand ſix hundred and ſixty ſix; with the Libels, Interloquitnrs, Probations, Depoſitions of Witneſſes, and the verdicts of Inqueſts and dooms of Forfeitures proceeding thereupon: Do find, that the Juſtice and their Aſſeſſors appointed by the Council in the ſaid Proceſs, in finding the ſaid Libels to be relevant, and admitting the ſame to the knowledge of Inqueſts; and the foreſaid Inqueſts in finding the ſame to be verified and proven, and in giving their verdicts and dooms of Forfeiture thereupon *reſpectivè*; Have proceeded juſtly and warrantably upon relevant Libels, and clear evidences and probation; And therefore, do Ratifie and Approve their Proceedings, Interloquiturs, Verdicts and reſpective Dooms and Sentences of Forfeiture given and pronounced by them in the ſaid Proceſs, *viz.* The Sentence and Doom of Forfeiture pronounced againſt Collonel *James Wallace*, *Joſeph Lermonth*, *M'kclellan* of *Barſcobe*, Mr. *John Welch*, Mr. *James Smith*, *Patrick Liſtoun* in *Calder*, *William Liſtoun* his Son, *William Porterfield* of *Quarreltoun*, pronounced upon the fifteenth day of *Auguſt*, in the year of God, one thouſand ſix hundred and ſixty ſeven years; And the other Sentence and Doom of Forfeiture pronounced againſt *William Muir* of *Caldwell*, *Caldwell*, eldeſt Son to the Good-man of *Caldwell*, *Robert Ker* of *Kerſland*, Mr. *John Cunninghame* of *Bedland*, *Alexander Porterfield*, Brother to *Quarreltoun*, *John Maxwel* of *Monreith* younger, *Mckclellan* of *Belmagahan*, Mr. *Gabriel Semple*, Mr. *John Guthery*, Mr. *Alexander Pedan*, Mr. *William Veitch*, Mr. *John Crookſhanks*, *Patrick Mcknaught* in *Cumnock*, upon the ſixteenth day of *Auguſt*, in the ſaid

ſaid year of God, one thouſand ſix hundred and ſixty ſeven years: And Decerns and Ordains the ſaids Proceſs and Dooms and Sentences of Forfeiture foreſaid, to be valid and effectual to all intents and purpoſes, notwithſtanding that the ſaids perſons found guilty and convicted of the crimes foreſaid, did not compear in the ſaid Proceſs; And Declares, that the ſaid Sentence and Dooms of Forfeiture ſhall be of als great force and ſtrength, as if the ſaids perſons had compeared, or the ſame had been pronounced in Parliament. And His *Majeſty*, with conſent foreſaid, doth Approve His ſaid Advocats ſervice in the ſaid affair. And in reſpect it were againſt reaſon and juſtice, that when any perſon or perſons are accuſed of high Treaſon, for riſing in Armes againſt His *Majeſty* or His Authority, when they are cited to underly the Law before the Juſtice, if they do not appear, that their abſence and contumacy, which ought to be an aggravation, if any can be, of ſo high and horrid a crime, ſhould be of any advantage to them: Therefore, His *Majeſty*, with conſent foreſaid, doth Statute and Ordain, that in time coming in all ſuch caſes of treaſonable riſing in Armes, and open and manifeſt Rebellion againſt His *Majeſty* or His Succeſſors and their Authority, His *Majeſties* Advocat for the time, may and ought to inſiſt againſt, and proſecute ſuch perſons as he ſhall be ordered by His *Majeſty* or His Privy Council to purſue: And if they be cited and do not appear, the Juſtice notwithſtanding of their abſence, may and ought to proceed to conſider, and give their Interloquiturs upon the Libel; and if it be found relevant, to admit the ſame to the knowledge of an Aſſize, and upon the verdict of the Inqueſt, finding the ſame to be proven, the Doom and Sentence of Forfeiture ought to proceed, and be given and pronounced in the ſame manner, as if the perſons accuſed had compeared and were preſent. And His *Majeſty*, with conſent foreſaid, doth remit to the Juſtice-General, Juſtice-Clerk or Juſtice-Deputes, the Summons and Proceſs of Treaſon, intended at the inſtance of His *Majeſties* Advocat, againſt certain perſons therein mentioned, for their acceſſion to the ſaid Rebellion, and depending before His *Majeſty* and the Eſtates: With power to them to proceed, notwithſtanding of the abſence of the ſaids perſons; And if the ſaids Summons be found relevant and proven by the verdict of Inqueſt, to pronounce the Sentence and Doom of Forfeiture thereupon.

XII.

ACT concerning the Exciſe and Cuſtomes.

December 15. 1669.

FOraſmuch as many debates, queſtions and inextricable difficulties do and may ariſe, in levying and inbringing of the Exciſe, impoſed by the fourteenth Act of the firſt Seſſion of His *Majeſties* firſt Parliament, to the great prejudice of His *Majeſty*, and of the Trade of this Kingdom: Therefore, and for preventing and clearing of the ſame, and to the effect, the ſaid Exciſe may be more orderly and eaſily levyed and collected, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, That notwithſtanding the ſaid Exciſe is due and payable by the Retailers, yet the Importers ſhall be lyable for the ſame in time coming, at the rates contained in the ſaid Act; for Wines of all ſorts, Vinegar and Salt, as they are particularly expreſt therein, and that under the proviſions after-ſpecified: To wit, that what ſhall not be payed by the Retailers, ſhall be compleatly made up by the Importers, within twelve Moneths after the importation thereof, for which they are to give ſufficient ſecurity to the Farmers or Collectors of His *Majeſties* Exciſe, at the entry of the ſaids Wines, which are to be according as they ſhall be loaded at the Port from whence they came; And for the ſaid Importers, their greater eaſe and encouragement, His *Majeſty*, with conſent foreſaid, doth Statute and Ordain, That the Collectors or Farmers of His *Majeſties* Exciſe in all time coming, ſhall grant abatement to the ſaid Importers of the fourth part of the ſaid Exciſe-duties of all Wines and Vinegar imported and entred by them, in conſideration and upon the account of leckage and decayed Wines, and other hazards and inconveniencies. And further, It is Statute and Ordained, for the encouragement and greater eaſe and advantage of Trade and Merchants, that the Importers of all other Goods and Commodities, except what is excepted from the duties of Exciſe by the foreſaid Act of Parliament, ſhall pay the Exciſe thereof, according to the Books of Rates for His *Majeſties* Cuſtoms, and as the ſaid Commodities are and ſhall be valued and rated in the ſame; And if any of the ſaids Commodities be not contained in the Books of Rates, the Exciſe of the ſame is declared to be five *per cent.*

cent. according to the value of the ſaid Goods; And the Exciſe of the ſaid Commodities is to be payed at the entring of the ſame in the Exciſe-office, unleſs the ſaid Excise-duty exceed the ſum of one hundred Merks *Scots*; in which caſe, the ſaid Importers ſhall be oblieged to give ſufficient ſecurity for payment of the ſaid Exciſe-duty, within ſix Moneths after the entring of the ſame; they making it alwayes evident, that no Merchant ſhall make entry of any Goods, but what properly belongs to himſelf. And for further encouragement of Trade and Traffick, It is Statute and Ordained, that all Goods and Merchandiſe whatſoever imported, and which ſhall be inſtructed to be really exported, within twelve Moneths after the entring thereof, ſhall be free of Exciſe; and in caſe of payment thereof, the ſame ſhall be repayed at the exportation of the ſaid Commodities, the Importers alwayes making faith, that the Commodities exported, are the ſame which were imported and entred; and in caſe bond or ſecurity hath been given for the Exciſe of the ſaid Commodities, the ſame ſhall be returned unregiſtrat, or diſcharged if the ſame be regiſtrat. And for the regulating of the Exciſe of Salt, and the better levying and inbringing of the ſame, His *Majeſty*, with conſent foreſaid, Statutes and Ordains, that the Importers of forraign Salt of all ſorts, at their entring of the ſame at the Exciſe-office, ſhall give ſufficient ſecurity for payment of the Exciſe thereof conform to the Rates contained in the foreſaid fourteenth Act, and that the Importers ſhall be oblieged by the ſaid ſecurity, to pay the ſaid reſpective Exciſe-duties, for ſuch parcels of the ſaid Salt as ſhall be retailed, when and as the ſame ſhall happen to be retailed, and to pay compleatly the whole Exciſe of the ſaid Salt, within twelve Moneths after the entring thereof, and that whether the ſaid Salt hath been expended and imployed upon the cureing of Fiſhes or not; Providing alwayes, there be abated and allowed to them, the Exciſe of all Salt that ſhall happen to be caſt away at Sea; And likewiſe, the Exciſe of Salt expended upon Fiſhes, that may happen to be caſt away betwixt one Port and another, before the ſame be entred, to be exported out of this Kingdom, the wrack and quantities of the Salt or Fiſhes loſt thereby, being alwayes ſufficiently inſtructed. And further, it is Ordained, that all In-land Salt conſumed within this Kingdom, whether the ſame be expended upon Fiſhes or imployed otherwiſe, ſhall be lyable to the duty of Exciſe, expreſt in the ſaid Act, which ſhall be payed by the firſt buyer thereof, and that before it be carried from the Salt-pans where it is bought; And albeit it be provided in manner foreſaid, that the Exciſe-duties *reſpective* above-mentioned, ſhould be payed for Forraign and In-land Salt, whether the ſame be imployed upon Fiſhes or otherwiſe, and that in reſpect of the great difficulties, to clear and make appear what Salt is imployed upon Fiſhes or not, and that

His

His *Majeſty* may be prejudged of the Exciſe of Salt, upon groundleſs pretences, that the ſame hath been, or is to be imployed upon Fiſhes; Yet, nevertheleſſe, His *Majeſty* being moſt willing to give all due encouragement to the Trade of Fiſhing, and that whatſoever Salt ſhall be imployed and expended in order to the ſaid Trade, and upon the cureing of Fiſhes to be exported, ſhall in effect be free of Exciſe; and upon, and after mature and exact conſideration of the quantity of Salt, neceſſary and ſufficient for each Laſt of Herring and White-fiſh of any kind, and of each Laſt of Salmond, and what the Exciſe of the ſame Salt *reſpectivè* will amount to, finding that the Exciſe of the Salt of the Laſt of Herring and White-fiſh, will amount to the ſum of ten pounds four ſhillings *Scots*, and that the Exciſe of the Salt of each Laſt of Salmond, will amount to the ſum of twelve pounds, money foreſaid. His *Majeſty*, with conſent foreſaid, Statutes and Ordains, that there ſhall be no Cuſtom exacted at the exportation of the ſaids Herring and White-fiſh, and that whatever the foreſaid ten pounds four ſhillings of Exciſe, ſhall exceed the Cuſtom payable for the ſaids Herring and White-fiſh, at the exportation thereof, ſhall be duly and timeouſly payed to the Merchant exporters, without any delay, reward or abatement for each Laſt of Herring and White-fiſh of any kind whatſoever that ſhall be exported out of this Kingdom: And that the foreſaid ſum of twelve pounds, for the Exciſe of the Salt of each Laſt of Salmond, at the entry and exportation ſhall be payed to the Heretors, Life-renters and others, from whom the Merchant exporters bought theſe Salmond, they alwayes producing Certificates from the reſpective Heretors and others, making up the juſt quantities contained in their Entries; upon which Certificate, the foreſaid ſum of twelve pounds is to be payed, to the Heretors and others from whom theſe Salmond were bought, or to any having their warrant to receive the ſame; which ſums *reſpectivè* above-written, for the Herring, White-fiſh and Salmond, are to be payed in manner above-ſpecified, by the Collectors at the reſpective Ports where the ſame ſhall be entered, for whom, the Farmers and principal Collectors of the Exciſe are to be anſwerable and careful that the ſame ſhall be punctually payed; and in caſe of not punctual payment, they ſhall be lyable for the parties damage; providing alwayes, that the ſaid Herring, White-fiſhes and Salmond, be duly entered in the Exciſe-office, and the exportation thereof ſufficiently inſtructed to the Collectors, ſo as they may certifie the ſame under their hands. Likeas, His *Majeſty*, with advice foreſaid, doth inhibite and diſcharge the Collectors or Farmers of Exciſe upon any pretext, to give any eaſe or abatement of the fourty ſhillings *Scots* impoſed by the foreſaid fourteenth Act, upon ilk Bool of forraign Bay-ſalt, *Linlithgow*-meaſure, imported into this Kingdom: Certifying them, if they contraveen,

contraveen, the ſaids Collectors ſhall ſuffer deprivation of their Office, and the ſaids Farmers ſhall looſe the benefit of their Tack of the Exciſe, and ſhall be further lyable to the payment of ſuch fines and penalties, as the Lords of Exchequer ſhall think fit to inflict. And for the better inbringing of the Exciſe of the ſaid In-land Salt, it is Ordained, that all Owners of Salt-pans and their Greeves, ſhall be oblieged to exhibite and produce to the Collectors or Farmers of Exciſe or their Deputies, when they ſhall be required, their Compt-book of all Salt ſold, to be peruſed by them, and returned within the ſpace of twenty four hours, to the effect, it may be known what Salt is conſumed, and that the Exciſe of the ſame is duly payed, whereupon they are to make faith, if they be required, and that they have ſold nor diſpoſed upon no more nor is contained in the ſaid Books; And ſicklike, the Salters of every Salt-pan ſhall be oblieged to give an account to the Collectors of the ſaid Exciſe of the Salt appertaining to them any manner of way, and what they have ſold of the ſame, and to inſtruct, that the ſame hath been duly entered in the Exciſe-office, and that the Exciſe-duty of the ſame hath been payed, whereupon, and that they have ſold no more but what hath been duly entered, they are ordained to make faith if they be required; It is alwayes provided, that where Exciſe-offices are in the Town or place where the Salt is made, the Salt-maſters, their Greeves or Salters, ſhall be holden to repair to the Exciſe-office, to the effect foreſaid, if they be required; but if there be no Exciſe-office in theſe places, the Collectors or Farmers of Exciſe or their Deputies are appointed to conveen them at the reſpective Salt Girnals, or Salt-pans where the Salt is made, and the ſaids perſons ſhall not be oblieged to go any further. And in like manner, His *Majeſty* conſidering, that divers queſtions and debates may ariſe, anent the interpretation of ſeveral Acts and Priviledges made and granted in favours of Manufactories, for immunity and exemption from the Exciſe or Cuſtom of certain Goods, which are the Materials of the ſaid Manufactories; Doth hereby, with conſent foreſaid, Statute, Ordain and Declare, That no Manufactory ſhall have the benefit thereof, excepting ſuch as ſhall be, or hath been lawfully erected ſince the firſt day of *January*, one thouſand ſix hundred ſixty one years, and ſhall be found by the Lords of His *Majeſties* Exchequer to have been, or to be erected conform to the Acts of Parliament, and to have the qualifications required by the ſame. And further, His *Majeſty* underſtanding, that if after ſo large expreſſions of His *Majeſties* Royal care and tenderneſs for the advancement of Trade and eaſe of Merchants, any ſhall be ſo unfaithful as to preſume to conceal and abſtract the Goods imported by them, thereby evading

the payment of the Cuſtom and Exciſe due and payable to His *Majeſty*; not only His *Majeſty* will be prejudged of His Cuſtom and Exciſe, but alſo the Trade of Merchandiſe will be much endamaged by the ſaid Merchants their underſelling others, who do honeſtly make true entries of their Goods, and pay the duties of Cuſtom and Exciſe. Therefore, for preventing of the ſaid prejudice and abuſe, His *Majeſty*, with conſent foreſaid, doth give power and warrand to the Collectors of Cuſtom and Exciſe, or to their Deputies, to call and purſue ſuch perſons who ſhall wilfully and wickedly conceal and abſtract their Goods, or any part thereof, and not duly enter the ſame, or who ſhall be acceſſory, or any wayes aiding and aſſiſting to the concealing or abſtracting thereof; and that before the Lords of His *Majeſties* Exchequer, if the ſaids perſons dwell and reſide within twelve miles of the place where the ſaids Lords ſhall happen to ſit for the time, or in their option, before any other competent Judge: And in caſe the ſaids perſons live at farther diſtance, it ſhall be lawful to the ſaid Collectors or Farmers, or their Deputies, to purſue them before the Sheriffs, Stewarts of Stewartries, or Bailiffs of Regalities, Magiſtrates of Burghs, or any other competent Judges, who are hereby required to take due and ſpeedy tryal of the premiſſes, and to admit probation thereof by writ, witneſs, oath of party or otherwiſe according to Law, any Act or Acts of Parliament, or Clauſes therein contained to the contrary thereof notwithſtanding. And to the end, that His *Majeſties* Lieges and Merchants, upon the occaſion and pretence foreſaid, be not unjuſtly moleſted and troubled, It is Ordained, that the ſaids Proceſs and Purſutes ſhall be intended within three Moneths after the fraudful abſtracting and imbezleing foreſaid; and that theſe at whoſe inſtance they ſhall be purſued, ſhall be oblieged to give their oaths *de calumnia*, if thereto required, that the ſaids purſutes are not intended of malice, but upon credible information, and that they have juſt reaſon to purſue, as they conceive. And in caſe any Merchant, Skipper, Mate or Marriner, or other perſon ſhall be found guilty of, or acceſſory to, the ſaid imbezleing, in concealing or abſtracting any Goods which ought and ſhould have been entered; It is Statute and Ordained, that the ſaid delinquents ſhall be impriſoned for the ſpace of twenty four hours, and untill they make payment of the full price and value of the Goods which ſhall be found to have been abſtracted by them, and ſhall be further fined by the Lords of His *Majeſties* Exchequer, as they ſhall ſee cauſe. And in caſe any Goods ſhall be found and ſeiſed, upon account that they were concealed and not duly entered, they ſhall not only be detained and confiſcate without redemption, but alſo

the Owners of the ſaid Goods, and all others who ſhall be found to be acceſſory or aiding to the concealing or abſtracting of the ſame, ſhall be impriſoned for the ſpace of twenty four hours, and ſuch fines and other puniſhment ſhall be impoſed and inflicted upon them, as the Lords of Exchequer ſhall appoint. And that the Collectors of His *Majeſties* Cuſtoms and Exciſe and their Deputies, at the making their accounts of their intromiſſion with the Cuſtom and Exciſe-duties, ſhall be holden and oblieged to give their oaths upon the truth of theſe accounts to be given in by them. And it is Provided and Declared by His *Majeſty*, with conſent foreſaid, that the foreſaid Act of His *Majeſties* firſt Parliament, whereby the Exciſe is impoſed, ſhall ſtand; and is and ſhall be of full force; except in ſo far as the ſame is altered, innovat, qualified and taken away in manner above-mentioned.

XIII.

ACT for annexation of Orknay *and* Zetland *to the Crown.*

December 17. 1669.

FOraſmuch as the Iſles of *Orknay* and *Zetland* are a great and ſo conſiderable a part of this His *Majeſties* ancient Kingdom, that for divers Ages they were the occaſion of much trouble and expenſe of blood and money, for maintaining thereof againſt the invaſion of Forraigners, and recovering the ſame out of their hands by Armes and Treaties; And the ſaids Iſles being of a great and large extent of bounds, and ſo remote and at ſuch a diſtance from the ordinary ſeat of Juſtice and Judicatories, that the Inhabitants within the ſame are not able to travel in the winter ſeaſon; and at other times cannot, without great trouble and expenſes, repair to the ſaid Judicatories to complain when they are oppreſſed and grieved. It is not only fit in order to His *Majeſties* Intereſt, but will be the great advantage of His *Majeſties* Subjects dwelling there, that without interpoſing any other Lord or Superior betwixt His *Majeſty* and them, they ſhould have an immediate dependance upon His *Majeſty* and His Officers, being their great ſecurity againſt Forraign attempts and oppreſſion at home. And ſeing it is moſt expedient and neceſſar, that a publick Patrimony and certain Revenue in Lands, Lordſhips and others, ſhould be ſettled upon, and annexed unto His *Majeſties* Crown, for ſupporting of His Royal Eſtate and Government, and the great and neceſſar charges of the ſame, which if not defrayed out of His *Majeſties* own Property and Revenue, would unavoidably ly, and be a heavy burden upon His *Majeſties* Lieges: And to that purpoſe, divers Acts of Annexation have been made from time to time, and in ſpecial the Earldom of *Orknay* and Lordſhip of *Zetland*, with the pertinents of the ſame, were annexed to the Crown in the years, one thouſand five hundred and fourty, and one thouſand ſix hundred and twelve, *reſpectivè*. And yet, importunity prevailing with His *Majeſty* and His Royal Father, their goodneſs and inclination to gratifie their Subjects, they have been induced to give away and part with ſo great a Jewel of their Crown, and to diſpone and grant Rights of the ſaid Earldom and Lordſhip; which being found to be to the great prejudice of His *Majeſty*, His Crown and Subjects, and contrary to the Laws and Acts of Parliament of this

this Kingdom, by a Decreet of the Lords of Seſſion, obtained upon the twenty fifth day of *February* laſt by-paſt, at the inſtance of Sir *John Nisbet* of *Dirletoun* Knight, His *Majeſties* Advocat, for His *Majeſties* intereſt, againſt *William* Earl of *Mortoun*, *Charles* Lord *Dalkeith* his Son, *George* Viſcount of *Grandiſtoun*, and certain other perſons therein mentioned; the ſaids Lords by their Decreet foreſaid, have reduced the Contracts, Diſpoſitions, Infeftments, Acts of diſſolution, and other Rights therein mentioned, made and granted by His *Majeſty* and His Royal Father, to, and in favours of, the deceaſed *William* Earl of *Mortoun*, Grandfather to *William* now Earl of *Mortoun*, and the ſaid *George* Viſcount of *Grandiſtoun*, of the ſaid Earldom of *Orknay* and Lordſhip of *Zetland*, with the Rights alſo therein mentioned depending thereupon: And the ſaids Lords have found and declared, that His *Majeſty* hath good and undoubted Right to the ſaid Earldom and Lordſhip, as His annexed Property, for the reaſons therein contained; as the ſaid Decreet at length proports. Therefore, His *Majeſty*, with advice and conſent of the Eſtates of Parliament, doth Ratifie and Confirm the ſaid Decreet, and Ordains the ſame to be of full force, ſtrength and effect in all time coming; holding and willing this their Ratification to be als ſufficient and effectual, as if the ſaid Decreet and whole tenor of the ſame were inſert herein. And His *Majeſty*, following the laudable example and practice of His Royal Predeceſſors, doth, with conſent foreſaid, Ratifie the ſaid former Annexation of the ſame to the Crown; and without prejudice thereof, doth of new again unite, annex and incorporate to His Crown of this His ancient Kingdom, to remain inſeparably with the ſame in all time coming, the ſaid Earldom of *Orknay* and Lordſhip of *Zetland*, with all and ſundry Iſles, Holmes, Udal-lands and other Lands whatſoever, of what name and by what deſignation ſoever the ſame are or may be known, lying within the Sheriffdom of *Orknay* and pertaining to the ſaid Earldom and Lordſhip, and belonging to His *Majeſty* in manner foreſaid, in Property or Superiority, or by any other Right or Title, together with all Caſtles, Towers, Fortalices, Milns, Multars, Fiſhings, Annual-rents, Reverſions, Patronages of Kirks, and Teinds Perſonage and Vicarage pertaining to His *Majeſty* within the bounds foreſaid; And all and whatſoever Mines of Gold, Silver, Copper and other Minerals within the foreſaid bounds, with the heretable Office of Juſticiary, Sheriffſhip and Foudrie and Admiralty within the foreſaid Iſles, and belonging to the ſaid Earldom and Lordſhip, with all other Parts, Pendicles and Peſtinents, Caſualities, Priviledges, Juriſdictions, Offices and others whatſoever pertaining to the ſame; All which, His *Majeſty*, with conſent foreſaid, doth unite and annex to His Crown, Declaring the generality foreſaid to be ſufficient to the intent and effect foreſaid, as if each Part, Parcel, Pertinent,

nent, Office, Patronage or Priviledge belonging to the ſaid Earldom and Lordſhip were herein expreſt. And it is Statute and Declared, That the ſaid Earldom and Lordſhip, Lands, Teinds, and others above-mentioned, annexed to the Crown in manner foreſaid, ſhall remain therewith in all time coming; and that the ſame or any part thereof ſhall not, nor may be given away in Fee and Heretage, nor in Frank-tenement, Life-rent, Penſion or Tack, except for the full duty which may be gotten from, and payed by the Tennents, nor by any other manner of Alienation, Right or Diſpoſition whatſoever, to any perſon or perſons of whatſoever eſtate, degree or quality they be, without Advice, Decreet and Deliberation of the whole Parliament; and for great, weighty and reaſonable cauſes concerning the good, wellfare and publick intereſt of the whole Kingdom, firſt to be propoſed and to be adviſed, and maturely pondered and conſidered by the Eſtates, *re integra*, before any previous Grant, Right or Deed be given, made or done by His *Majeſty* or His Succeſſors, concerning the diſpoſition of the ſaid Earldom and Lordſhip or any part thereof, which may any wayes predetermine them or the Eſtates of Parliament, and prejudge the freedom of their Deliberation and Conſent. And if at any time hereafter it ſhall be thought fit to diſpone or grant any Right of any part of the ſaid Earldom and Lordſhip, It is Declared, that the general narrative of good ſervices, weighty cauſes and conſiderations ſhall not be ſufficient; but the particular cauſes and conſiderations whereupon His *Majeſty* and His Succeſſors may be induced to grant, and the Eſtates to conſent to ſuch Rights, are to be expreſt; that it may appear, that the ſame is not granted through importunity, or upon private ſuggeſtions or pretences, but for true, juſt and reaſonable cauſes and conſiderations of publick concernment. And farther, it is Declared, that if any general Act of Diſſolution of His *Majeſties* Property ſhall be made at any time hereafter; The ſaid Earldom and Lordſhip, and others above-mentioned and annexed, ſhall not be underſtood to fall or be comprehended under the ſame; And if the ſaid Earldom and Lordſhip, or any part thereof, ſhall be annallied or diſponed, or any Right of the ſame ſhall be granted otherwayes then is appointed and ordained in manner above-mentioned; His *Majeſty*, with conſent foreſaid, doth Statute and Declare, That all Diſpoſitions, Infeftments and other Rights of the ſaid Earldom and Lordſhip, or any part thereof which ſhall be granted contrary to this preſent Act, with all Acts of Diſſolution and Ratification and other Acts of Parliament concerning the ſame, ſhall be from the beginning and in all time coming void and null, and of no effect: And notwithſtanding thereof, that it ſhall be lawful to our Soveraign Lord and His Succeſſors for the time, to take back and receive at their pleaſure for their own uſe, without any

Proceſs

Proceſs of Law, the Lands and others above-annexed, or any part thereof which ſhall be annallied or diſponed; and theſe in whoſe favours any ſuch Rights and Alienations ſhall be made, ſhall be countable for, and lyable to refound and pay all profits, intromiſſion or benefit taken, uplifted or enjoyed by them in the mean time: And it is Declared, that all other Clauſes, Articles and Proviſions contained in any former Act or Acts of Annexation to the advantage of His *Majeſty* and His Crown, are and ſhall be holden as repeated and inſert herein. And farther, His *Majeſty*, with advice and conſent of the Eſtates foreſaid, hath ſuppreſſed the ſaid Office of Sheriffſhip, and hath erected, and hereby erects a Stewartry within the bounds foreſaid of the ſaid Earldom and Lordſhip, and Iſles of *Orknay* and *Zetland*, to be called in all time coming *The Stewartry of* Orknay *and* Zetland; Ordaining the Tennents, Poſſeſſors and Inhabitants within the bounds foreſaid, and other perſons who were formerly anſwerable and lyable to the jurisdiction of Sheriffſhip and Foudrie abovementioned, to be anſwerable to His *Majeſties* Stewart of the ſaid Stewartry, with all Priviledges competent to any Stewartry of His *Majeſties* Property within this Realm. Likeas, it is Declared and Statute, that the foreſaid Office of Stewartry ſhall not be given heretably to any perſon or perſons and their heirs, without advice and conſent of Parliament in manner above-mentioned; and all Rights of the ſame which ſhall be granted otherwayes at any time hereafter, ſhall be from the beginning and in all time coming null and void. It is alwayes Declared, that this Act and Annexation foreſaid ſhall not prejudge the Biſhop of *Orknay* of His Patrimony and Priviledges belonging to him, or of any part thereof; and that he and his Succeſſors ſhall be in the ſame caſe as they were before the making hereof. And likewayes it is Declared, that the Annexation foreſaid and the ſuppreſſing of the ſaid Office of Sheriff, and the erecting of the ſaid Stewartry ſhall be without prejudice to His *Majeſties* Vaſſals within the ſaid Iſles, of their Liberty and Priviledge to have and ſend Commiſſioners to Parliament, to repreſent them in the ſame manner as they did or might have done formerly.

XIV.

ACT concerning the exportation of Corns.

December 17. 1669.

OUR Soveraign Lord conſidering, that by the eleventh Act of the third Seſſion of His *Majeſties* late Parliament, liberty is granted to export Corns of all ſorts, when they are under the prices following, *viz.* Ilk Boll of Wheat under twelve pounds the Boll, Beer and Barley under eight pounds the Boll, Oats and Peaſe under eight merks the Boll. And ſeing, by reaſon of ſeveral Duties formerly impoſed upon Corns, the exportation thereof hath been hitherto obſtructed; And His *Majeſty* being deſirous for the good of this His ancient Kingdom, to give all due encouragement to the export of Corns, and to remove every thing which may impede the ſame: Hath therefore thought fit, Likeas, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Statute and Declare, That all Corns which ſhall be exported in time coming by His *Majeſties* Subjects forth of this Kingdom, ſhall be free, and are hereby diſcharged of the payment of Cuſtom, Bullion, and all other Duties whatſoever, except one Merk *Scots* allanerly for ilk Chalder. And leſt any conſiderable prejudice ſhould thereby enſue to His *Majeſties* Cuſtoms, it is Statute and Ordained, that the Duties after-mentioned are and ſhall be impoſed upon the Commodities following, *viz.* Ten ſhillings *Scots* upon ilk Barrel of Tar, and twenty ſhillings *Scots* upon ilk Tun of Iron imported into this Kingdom, and that over and above all former Impoſitions put thereon; and the Cuſtomers, Collectors and their Deputies are hereby appointed and impowered to uplift the ſame accordingly. And for preventing any debates that may ariſe anent the reſpective prices of the Victual, when the ſame are under or above the rates expreſt in the ſaid Act; His *Majeſty*, with advice foreſaid, doth recommend to, and authorizeth the Lords of Privy Council to determine the ſame; And Declares, that it ſhall be lawful to His *Majeſties* Subjects to export Corns of all ſorts, unleſs by a Proclamation or publick Intimation from the ſaids Lords of Council, they be prohibited and diſcharged to do the ſame. And Ordains this Act to begin and take effect upon the ſecond day of *February* next to come.

ACT

XV.

Act for regulating the prices of Ale and Drinking-beer, and Maltmen.

December 23. 1669.

OUR Soveraign Lord conſidering that it is moſt agreeable to reaſon and equity, and of univerſal concernment to all His *Majeſties* Subjects, and ſpecially to thoſe of the meaner ſort, that a due proportion be obſerved betwixt the price of the Boll of Beer, and the Pint and other meaſures of Ale and Drinking-Beer vented and ſold within this Kingdom, that thereby the liberty taken by Brewars and Vintners, to exact exorbitant prices for Ale and Drinking-Beer at their pleaſure, may be reſtrained. Therefore, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth recommend to, and authorize the Lords of His *Majeſties* Privy Council from time to time, after conſideration had of the ordinary rates of Rough-Beer and Barley for the time, to regulate and ſet down the prices of all Ale and Drinking-Beer, vented and ſold in the ſeveral Shires and Burghs of the Kingdom, as they ſhall think juſt and reaſonable; And likewayes to ſet down a Table of proportion betwixt the weight and price of all Bread made of Wheat, and the price of the Boll of Wheat, in like manner as betwixt the price of the Ale and the Boll of Beer: With power to the ſaids Lords of Council to make and emit ſuch Acts, Orders and Directions, in relation to the prices of Ale and Drinking-Beer, and weight and prices of Wheat-bread, and to inflict ſuch cenſures, pains and penalties upon the contraveeners of theſe Acts and Orders as they ſhall think fit; and to do all other things requiſite for execution of the ſame. And in caſe, after ſettling of the ſaids prices by the Lords of Council, any Brewar ſhall ceaſe from, and give over their brewing or venting of Ale or Beer, His *Majeſty*, with advice foreſaid, Declares, that they ſhall not be permitted or allowed to brew or vent any Ale or Beer for the ſpace of one year thereafter, and ſhall be further lyable to ſuch pains and puniſhments, as the Lords of Council ſhall think fit. And further, His *Majeſty* taking to conſideration, that by the twenty ninth Act of the firſt Parliament of King *James* the ſixth, Maltmen are declared to be no Cratt, and diſcharged to have a Deacon; Which Act of Parliament, His

Majeſty, with advice foreſaid Ratifies and Approves, and Ordains the ſame to ſtand in full force and effect in all time coming. And that notwithſtanding of the ſaid Act, and expreſly contrair thereto, The Provoſt and Council of *Edinburgh* have, by their Act dated the eleventh of *March*, one thouſand ſix hundred and fourty ſix, ranked Maltmen amongſt one of their Trades and Callings, diſcharged any to be admitted thereto within their Barrony of *Lieth*, but by their Licence, with conſent of the Calling; and have conſtitute a Box-maſter amongſt them, and granted liberty to them to meet and keep correſpondence, providing the Water-Bailiff be preſent with them: Therefore, His *Majeſty* and Eſtates of Parliament not only Declares the ſaid pretended Act of the Council of *Edinburgh* to have been null and void from the beginning, and Ordains the ſame to be razed out of their Regiſters; but diſcharges the ſaid Town, or any other Burgh within the Kingdom, ever to preſume to do the like again; And Ordains the ſaid Box to be broken, and the Office of Deacon, Viſitor, Box-maſter, or any other pretending to the like power, and the pretended Calling or Incorporation and Society of Brewars or Maltmen, to ceaſe at *Lieth*, and in all other Burghs, Towns and Places in the Kingdom: With certification, that if they ſhall be found hereafter to meet and keep correſpondence amongſt themſelves, upon whatſoever pretence, either at *Lieth*, *Edinburgh*, or in any other Burgh, Town or Place, ilk perſon ſo meeting ſhall be lyable in the penalty of five hundred Merks *toties quoties*, whereof the one half to be payed to the informer, he proving the ſame before the Council; and this by and attour ſuch perſonal puniſhment, as the Lords of Privy Council ſhall think fit to inflict.

ACT

XVI.

Act for repairing High-wayes and Bridges.

December 23. 1669.

OUR Soveraign Lord conſidering how neceſſar it is for the good of the people, that High-wayes be made and maintained for ready and eaſie Paſſage, Travel and Traffick through the Kingdom; and that the care thereof which hath been laid upon the Juſtices of Peace, hath yet for the moſt part proven ineffectual, in regard the ſaids Juſtices have not had ſpecial Orders and Warrands for that effect. For remeid whereof, His *Majeſty*, with advice and conſent of the Eſtates of Parliament, Doth Appoint and Ordain the Sheriff of the Shire, and one of his Deputies, being alwayes an Heretor therein, and the Juſtices of Peace in each Shire, to conveen at the head Burgh of the Shire upon the firſt Tueſday of *May* yearly, for ordering of High-wayes, Bridges and Ferries; With power to them, or major part of them that ſhall happen to conveen, to ſet down a particular Liſt of the High-wayes, Bridges and Ferries within their bounds, and to divide the Paroches of the ſaids bounds as they lye moſt eueſt to the ſeveral High-wayes to be repaired, and as they may have the moſt equal burden, and to appoint ſuch of their number or others Overſeers of ſuch parts and portions of the ſaids High-wayes, as are moſt convenient and neareſt to their ordinary reſidence, and to nominate ſuch of their number as they ſee fit, to ſurvey and give an account of the High-wayes, Bridges and Ferries unto the reſt; with power to them to appoint Meetings from time to time, till the ſaid Survey, Liſt and Diviſion of the ſaids High-wayes be cloſed: Which perſons, or any one of them to whom the particular portions of the ſaids High-wayes ſhall be committed, are hereby authorized and ſtrictly required, to call and conveen all Tennants and Cottars and their Servants, within the bounds appointed for their parts of the High-wayes, by publick intimation at the Paroch-Kirks upon the Sabbath day, immediately after the firſt Sermon, or any other way that they ſhall think fit, to have in readineſs Horſes, Carts, Sleds, Spades, Shovels, Picks, Mattocks, and ſuch other inſtruments as ſhall be required, for repairing of the ſaids High-wayes, and to conveen at ſuch places thereof as they ſhall be required, and in ſuch proportion and with ſuch furniture as the

ſaids Juſtices or Overſeers ſhall appoint, and that in the moſt equal and proportionable way, as the ſaids Juſtices and Overſeers will be anſwerable. With power to them to deſign ſuch of the ſaids perſons as they find to be moſt skilful, to attend and direct the reſt, and to appoint them fit Wages for their attendance; Providing that the dayes they are required to work do not exceed the number of ſix dayes for Man and Horſe yearly for the firſt three years, and four dayes yearly thereafter, and that they be only betwixt the Bear-ſeed yearly, and Hay-time or Harveſt thereafter: With power to the ſaids Juſtices or Overſeers to poind the readieſt Goods of the abſents, for twenty ſhillings *Scots* money for the abſence of ilk Man daily, and thirty ſhillings for the Man and Horſe, without further ſolemnity but appriſing the ſame upon the ground of the Land, and therewith to hire others in place of the abſents; and in caſe the ſaids abſents ſhall have no poindable Goods, to puniſh them in their perſons as they ſhall ſee cauſe. Which High-wayes ſhall be twenty foot of meaſure broad at leaſt, or broader, if the ſame have been ſo of before, and ſhall be ſo repaired, that Horſes and Carts may travel Summer and Winter thereupon: and if any part of the ſaids High-wayes cannot well be continued as now they are, but require to be changed, the ſaids Juſtices ſhall appoint three of their number to viſit the places where the High-wayes need to be changed, and to ſet down Meiths for the new Way in place thereof, and upon Oath to eſtimate the damage of the parties prejudged thereby, and to deliver the ſame to them in writing under their hands, to the effect the ſame may be ſatisfied by the whole Shire, in manner after-ſpecified. Which Juſtices are Ordained again to conveen at the head Burgh of the Shire the firſt Tueſday of *June* yearly, and thence every Tueſday from fourtnight to fourtnight, at ſuch places as ſhall be by them appointed during the Moneths of *June* and *July*, for three years next enſuing, for taking accompt of the ſaid ſeveral Juſtices and Overſeers of the reſpective proportions of High-way committed to them, and to fine thoſe Juſtices and Overſeers who ſhall failzie; ſtill increaſing the ſaids fines till they give obedience and perform their part, and to poind therefore upon the ground of the Lands where their Goods ſhall be found, without further ſolemnity. With power alſo to the ſaids Juſtices to viſit the Ferries in their Shire, and where the Ferries ly betwixt two Shires, that they correſpond with the Juſtices of the other Shire, to the end they may appoint fit and ſufficient Boats, and convenient Landing places; and ſo to regulate all things concerning the Ferries, as His *Majeſties* Lieges may be readily and conveniently ſerved, and at reaſonable rates, and to puniſh all ſuch as ſhall neglect or tranſgreſs the Rules ſet down be them for the effect foreſaid.

And

And becauſe the work of the inhabitants within the ſeveral bounds, will not be able ſufficiently to repair the High-wayes and others foreſaid; Therefore, His *Majeſty*, with advice and conſent of the ſaid Eſtates, doth hereby authorize and require the whole Free-holders and Heretors of the ſeveral Shires, to conveen at the reſpective head Burghs the ſaid firſt Tueſday of *June* yearly, and to call for an accompt from the Juſtices of Peace of what is needful for reparation of the High-wayes and others foreſaid, and what charges and expenſes is requiſite for promoving thereof; and for making or repairing Bridges and Ferries where they ſhall be found needful, and accordingly to ſtent the Heretors of the ſaid Shire, comprehending the Heretors of the Burrough-lands therein, in what ſhall be found neceſſary for the effect foreſaid, not exceeding ten ſhillings *Scots* upon each hundred pound of valued Rent in one year, which is to be uplifted be the ſaids Juſtices or whom they ſhall appoint, be poinding as ſaid is, and imployed for the uſe foreſaid; and of which they ſhall be oblieged to give an accompt to the ſaids Heretors at the next *Michaelmas* head Court yearly. Likeas, His *Majeſty*, with conſent foreſaid, prohibits and diſcharges all perſons whatſoever to break or abuſe the ſaids High-wayes by plowing up any part thereof, laying ſtones, rubbiſh or dung thereon, or any way breaking or pooling the ſame, or turning in, or damming water thereupon; and Ordains the Conveener of the ſaids Juſtices at their meeting the ſaid firſt Tueſday of *May* yearly, to take an Oath of the remanent Juſtices and of the Conſtables, of what damage they know done to the High-wayes, Bridges or Ferries ſince the year preceeding, in any of the foreſaid particulars prohibited, or any other, and by whom. Upon which, the ſaids Juſtices ſhall conveen the tranſgreſſors and in caſe of conviction by oath or witneſs, ſhall fine them as they ſhall ſee juſt, and ſhall poind therefore in manner foreſaid, and apply the ſame for the uſe of the ſaids High-wayes. With power alſo to the ſaid Juſtices, to call for an accompt of all Deſtinations and Mortifications to Bridges, Cauſa's, Ferries or High-wayes, and to cauſe the intrometters therewith, that have not applyed the ſame to theſe proper ends, to make payment thereof to ſuch perſons as they ſhall appoint, to be imployed to the uſes for which the ſame were deſtinat. Likeas, His *Majeſty* Ordains the Conveener of the ſaids Juſtices to give a particular accompt under his hand, of what progreſs is made in the reparation of the ſaids High-wayes, Ferries and Bridges, upon the third Tueſday of *July* next to come, and ſo forth yearly to the Lords of His *Majeſties* Privy Council, who are hereby impowered to grant Letters of Horning and Poinding for the effects foreſaid, if need be.

And further, His *Majeſty*, with conſent foreſaid, gives power to the ſaids Lords of His *Majeſties* Privy Council, to Ordain the levying

levying of moderate Cuſtoms at Bridges, Cauſa's or Ferries, for the building, repairing and upholding thereof, in caſe the ſaids Stent ſhall not be able to accompliſh the ſame, and to appoint the endurance thereof as they ſhall ſee cauſe. With power alſo to them, that in caſe the ſaids Juſtices and Heretors failzie in the performance of the things by this Act committed to them, ſo that the High-wayes ſhall not be ſufficiently repaired, nor Bridges and Ferries ſufficiently provided for, to take ſuch courſe for making the ſame effectual as they ſhall judge expedient, and to puniſh the ſaids Heretors and Juſtices, as their neglect ſhall deſerve: With power likewayes to the ſaids Lords of Privy Council, to appoint and commiſſionat Overſeers for putting the premiſſes in execution where they ſhall ſee cauſe; which Overſeers ſo appointed, ſhall have the ſame power as is by this preſent Act committed to the Juſtices of Peace foreſaid. And farther, His *Majeſty* Ordains, that where laboured Land lyes upon the ſides of High-wayes, the ſaid laboured Land ſhall be fenced with Dike and Ditch or Hedge; yet ſo as neither Dike, nor Ditch, nor Hedge, nor any part thereof, be within the forementioned breadth appointed for the High way: And in caſe any laboured Land ſo lying ſhall not be fenced betwixt and the firſt day of *Auguſt*, one thouſand ſix hundred and ſeventy one, then and in that caſe, the ſaids Juſtices are hereby authorized and required to cauſe poind in manner foreſaid, the Labourers of the ſaid Land, for four ſhillings *Scots* for each eln which ſhall not be ſo fenced after the ſaid time, and to apply the ſaid fines for the fencing thereof in manner foreſaid. Likeas, it is hereby Declared, that whatſoever ſtones, rubbiſh, dung or other impediments beis thrown or found lying upon the ſaids High-wayes, or water turned in or dammed thereupon, ſhall be eſteemed and held as done by the Labourers of the Land next adjacent to the High-wayes where the damage is done, who ſhall be fined therefore be the ſaid Juſtices and Overſeers; Reſerving right to the ſaids Labourers to call before the ſaids Juſtices any other for their relief, who have been the real actors of the ſkaith.

XVII.

Act anent incloſing of Ground.

December 23. 1669.

WHereas by the fourty one Act of the firſt Seſſion of His *Majeſties* firſt Parliament, entituled, *Act for planting and incloſing of Ground*, It is provided, that where Incloſers fall to be upon the borders of any mans Inheritance, the next adjacent Heretor ſhall be at equal pains and charges in building, ditching and planting that Dike which divides their Inheritance. And the Eſtates of Parliament conſidering the inconveniency and difficulty the execution of that part of the ſaid Act may meet with, in Lands marching together where the Marches are crooked and unequal, or where any part of the bordering Ground is unfit or uncapable of bearing a Dike or receiving a Ditch, or hinders the compleating of the Incloſure in an equal line. For remeid whereof, His *Majeſty*, with advice and conſent of the ſaid Eſtates, doth Statute and Ordain, That whenſoever any perſon intends to incloſe by a Dike or Ditch upon the March betwixt his Lands and the Lands belonging to other Heretors contiguous thereunto; it ſhall be leiſom to him to require the next Sheriffs or Bailiffs of Regalities, Stewarts of Stewartries, Juſtices of Peace or other Judges Ordinar, to viſit the Marches alongſt which the ſaid Dike or Ditch is to be drawn, who are hereby authorized, when the ſaid Marches are uneven or otherwayes uncapable of Ditch or Dike, to adjudge ſuch parts of the one or other Heretors Ground, as occaſion the inconveniency betwixt them, from the one Heretor in favours of the other, ſo as may be leaſt to the prejudice of either party, and the Dike or Ditch to be made, to be in all time thereafter the common March betwixt them; and the parts ſo adjudged *reſpectivè* from the one to the other, being eſtimat to the juſt avail and compenſed *pro tanto*, to decern what remains uncompenſed of the price, to the party to whom the ſame is wanting: And it is hereby Declared, that the parts thus adjudged *hinc inde*, ſhall remain and abide with the Lands or Tennandries to which they are *reſpectivè* adjudged, as parts and pendicles thereof in all time coming.

XVIII.

ACT anent Adjudications.

December 23. 1669.

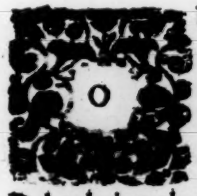
UR Soveraign Lord taking to conſideration, that by ſeveral Acts of Parliament and conſtant Practick of the Kingdom, there is one years Rent of all Lands, Annual-rents or others appriſed, due and payable to the Superior of the ſaids Lands and others, before he be holden to enter and infeft the Compriſer; and that there is the ſame reaſon in caſes of Adjudications as Appriſings. Therefore, His *Majeſty*, with advice and conſent of the Eſtates of Parliament, Statutes, Ordains and Declares, That the Superiors of Lands, Annual-rents and others adjudged, ſhall not be holden to grant any Charter for infefting the Adjudger, till ſuch time as he be payed and ſatisfied of the years Rent of the Lands and others adjudged, in the ſame manner as in Compriſings; And Declares, that in all caſes, Adjudications ſhall be in the like condition with Compriſings, as to Superiors.

ACT

XIX.

Act concerning the Confirmation and Quots of Teſtaments.

December 23. 1669.



UR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That it ſhall be lawful to Executors, at the confirmation of the Defuncts Teſtament, to give up the Debts owing be the Defunct, and that the Quot be only payed for the free Geer (the Debts being alwayes inſtructed) With power to the ſaids Executors, for inſtructing of the ſaids Debts before the Commiſſar the time of confirmation, to cite the Creditors for production of the Bonds and Inſtructions of their ſaids Debts; and if the ſaids Creditors ſhall not produce the ſame, and yet ſhall happen thereafter to ſeek payment from the Executors, that then and in that caſe, the Creditors ſhall be oblieged to relieve the Executors of a proportion of the Quot payed by them, effeiring to the ſaid Debt, or otherwayes to allow the ſame to them; And for preventing of all fraud, both the Executors and Creditors ſhall be holden to make faith, if required, anent the truth and reality of the ſaids Debts, that they were truly reſting unſatisfied the time of the Defuncts deceaſe. And likewayes, Statutes and Ordains, That in all time coming, Executors Creditors be free of paying of Quot, in ſo far as they confirm only for Debts reſting to them be the Defunct the time of his deceaſe, and thereupon the ſaids Executors ſhall be holden to make faith, if required, notwithſtanding of any Inſtruction produced by them. As alſo, the Relict confirming her ſelf Executrix Creditrix, and for ſatisfying of the obliegement of her Contract of Marriage, or other Proviſion made to her by her Husband where there was no Contract of Marriage, be alſo free of Quot, in ſo far as the Inventer extends to five years purchaſe of the Annual-rent or Life-rent provided to her; and that ſhe ſhall be lyable and pay Quot for the *ſuperplus* of the free Goods or Debts confirmed; And that this be extended to all other Life-renters, confirming themſelves Executors Creditors. As likewayes, that poor people, not worth in heretable or moveable Eſtate fourty pounds *Scots* money, have their Confirmation paſt and regiſtrat free from payment of any Quot; and for Fees of Court, that they pay only two pounds eighteen ſhillings *Scots*. And farther, it is Statute and Ordained, That heretable Debts reſting by the Defunct, be Infeftment, Bonds or Contracts bearing obliegement to infeft, be not allowed

be the Commiſſars at the Confirmation, to defaulk off the Inventer in prejudice of the Quot, where there is an heretable Eſtate belonging to the Defunct to ſatisfie the heretable Debts, even though the ſaids Debts be given up by the Defunct himſelf or his Executor. And likewayes, it is Statute and Ordained, that Commiſſars admit of no diviſion in Teſtaments, in favours and upon accompt of the Relict, where by her Contract of Marriage or otherwayes, ſhe is ſecluded from all part of her Husbands moveables; And if a bipartit or tripartit diviſion be craved be the Executor at the confirmation upon her accompt, in that caſe the Procurator Fiſcal ſhall have power to cite the Relict, for production of her Contract of Marriage, or to give Oath upon her having thereof, or that by the ſame or any other Writ, ſhe is ſecluded: And if it appear, either be the ſaid Contract or be any other Writ, or be the Relicts Oath, that ſhe is ſecluded from the third or half of the moveables, That then the Teſtament ſhall be confirmed without diviſion upon her accompt, and the Quot payed accordingly; And in caſe there be any exception in the Relicts favours, of the Inſight and Houſhold-pleniſhing, or any part thereof, In that caſe deduction is only to be granted of the Quot, effeiring to the proportion excepted and reſerved in her favours. And laſtly, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that in time coming, no Charges of Horning be given to any perſon, at the Procurator Fiſcals inſtance, for giving up of Inventer, but upon a Roll of the perſons names to be charged ſubſcribed be the Commiſſar, and that within the ſpace of three years after the Defuncts deceaſe, after which time it ſhall not be leiſome to give any ſuch Charges of Horning for giving up of Inventer; And for the years preceeding, that they ſhall only charge for giving up Inventer of the Goods of ſuch Defuncts who have deceaſt ſince the year, one thouſand ſix hundred and ſixty. And Ordains, That Letters of Caption ſhall not be uſed againſt any of His *Majeſties* Lieges for not confirming of Teſtaments, but where the Letters of Horning have been execute againſt the parties perſonally, or at their Dwelling-houſes and Paroch-Kirk-doors, on a Sabbath-day after Divine Service. And Ordains the Commiſſars of the reſpective Dioceſſes, to keep Circuit Courts the time of the Spring and Harveſt Vacance, for confirmation of Teſtaments at ſuch convenient places in ilk Presbytery, as may be moſt conducing to the good and eaſe of the Lieges; and whereunto they are to be cited perſonally, or at their Dwelling-places and Paroch-Kirks as ſaid is, to the end and effect foreſaid: With certification, that if the Commiſſar, Commiſſar-clerk, Procurator Fiſcal, or any other Member of Court, contraveen this Act, the contraveener ſhall ſuffer deprivation of his Office, and never be re-admitted thereto again, beſide ſatisfaction to the party grieved, of any damage ſuſtained by him there-through.

ACT

XX.

ACT for in-bringing of publick Dues from the Northern Shires.

December 23. 1669.

OUR Soveraign Lord considering, that divers persons within the Shires of *Ross*, *Sutherland*, *Caithness*, *Argyl*, *Inverness* and Burghs within the same, are in arrear, and deficient in payment of a considerable part of the Annuity of Excise, granted to His *Majesty* in the year, one thousand six hundred and sixty one, the Taxation and Assessment imposed by the Conventions of Estates in the years, one thousand six hundred and sixty five, and, one thousand six hundred and sixty six, notwithstanding of all legal diligence used for in-bringing thereof. For obtaining payment of which Arrears, and for the more effectual and better payment of the said Annuity of Excise in time coming, His *Majesty*, with advice and consent of the Estates of Parliament, doth Statute, Ordain and Declare, That the persons deficient and in arrear of the foresaid Annuity of Excise, Taxation and Assessment in the said Shires, and Burghs within the same, preceeding the Moneth of *November* last, and who shall not pay in the same according to their respective proportions, to the Receivers and Collectors thereof, betwixt and the first day of *June* next to come, shall be lyable in double payment of all such deficiency and arrear, without any manner of defaulcation. And farther Declares, that if for the future, three quarters payment of the said Annuity of Excise in the said Shires, shall happen to run in the fourth unpayed (the feast and terme of *Candlemas* next ensuing being the first terme) Then and in that case, such Shires, Burghs and Persons therein so deficient, shall be lyable in payment of the double of the whole years Annuity of Excise, *toties quoties*, and all execution personal and real shall be used against them therefore. And His *Majesty* and Estates of Parliament doth hereby Declare, That this present Act or any thing therein contained, shall no wayes liberate the Commissioners of Excise for the said respective Shires and Burghs, from being lyable in the single payment allanerly of the said Annuity of Excise, but that they shall still stand oblieged therefore as formerly, in manner contained in the Act of Parliament made thereanent.

XXI.

ACT Salvo jure cujuſlibet.

December 23. 1669.

OUR Soveraign Lord taking to conſideration, that there be many Acts of Ratifications and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned and prejudged: Therefore, His *Majeſty*, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all ſuch particular Acts and Acts of Ratification paſt in manner foreſaid, ſhall not prejudge any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the ſaid particular Acts and Acts of Ratifications; And that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be oblieged to judge betwixt Parties, according to their ſeveral Rights ſtanding in their perſons before the making of the ſaids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuſlibet.*

XXII.

ACT of Adjournment.

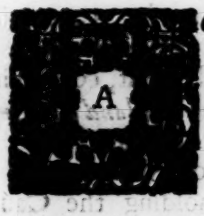
December 23. 1669.

THE King's *Majeſty* Declares this Parliament current, and adjourns the ſame to the eight of *June* next to come; Ordaining all the Members of Parliament to attend that day, and that there be no new Election of Commiſſioners from Shires or Burroughs, except upon the death of ſome of the preſent Commiſſioners.

A

A List of the Printed ACTS paſt in the PARLIAMENT, keeped at *Edinburgh* in *October*, 1669.

Page

1. 
ACT *aſſerting His* Majeſties *Supremacy over all Perſons and in all Cauſes Eccleſiaſtical.* 3
2. *Act concerning the* Militia. 5
3. *Act for regiſtration of Inſtruments of Reſignation* ad remanentiam. 9
4. *Act concerning poinding before the dayes of the Charge expire.* ibid.
5. *Act for the ſecurity of the perſons of Miniſters.* 10
6. *Act for the ordering of Suſpenſions of the Benefices and Stipends of the Clergy.* 11
7. *Act for Naturalization of Strangers.* 12
8. *Act concerning the Bullion.* 14
9. *Act concerning Preſcriptions.* 18
10. *Act concerning Interruptions.* 19
11. *Act concerning the forfeiture of perſons in the late Rebellion.* 20
12. *Act concerning the Exciſe and Cuſtoms.* 22
13. *Act for annexation of* Orknay *and* Zetland *to the Crown.* 28
14. *Act concerning the exportation of Corns.* 32
15. *Act for regulating the prices of Ale and Drinking-beer, and Maltmen.* 33
16. *Act for repairing High-wayes and Bridges.* 35
17. *Act anent incloſing of Ground.* 39
18. *Act concerning Adjudications.* 40
19. *Act concerning the Confirmation and Quots of Teſtaments.* 41
20. *Act for in-bringing of publick Dues from the Northern Shires.* 43
21. *Act* Salvo jure cujuſlibet. 44
22. *Act of Adjournment.* ibid.

A LIST of the Acts and Ratifications paſt in this firſt Seſſion of His Majeſties *ſecond Parliament, and which are not here printed.*

PRoteſtations by ſome Noblemen, and others Commiſſioners from Shires and Burghs, concerning their precedency in the Rolls of Parliament.

His *Majeſties* Letters to the Parliament, concerning the Union of the Kingdoms of *Scotland* and *England*, with the Parliaments Anſwers.

Act anent the election of Commiſſioners from Shires.

Act for continuing the Impoſition for upholding the Cauſſa of *Couiemonth*.

Acts for yearly Fairs and weekly Mercats to ſome Noblemen and others.

Proteſtation by the Earl of *Nithisdale*, that the Forfeiture of *M^ck-clelland* of *Belmagachan* ſhould not prejudge him.

Proteſtation by the Vaſſals of *Orknay*, that they be not prejudged be the preſent annexation thereof to the Crown.

Proteſtation in name of the Duke of *Lenox*, that this annexation do not prejudge his right of Admiralty in *Orknay*.

Proteſtation be the Lord Advocat *contra* theſe two Proteſtations.

Commiſſion anent the regulation of the Commiſſar and Sheriff-Courts, and other inferiour Courts of Juſtice.

Act ſuſpending the payment of publick Debts.

Protection to *William Dick*.

Ratification in favours of the Duke and Dutcheſs of *Hamiltoun*.

Proteſtation be the Town of *Linlithgow* againſt the ſame.

Proteſtation be the Duke of *Hamiltoun* in the contrair.

Two Ratifications in favours of the Earl of *Argyl*.

Proteſtations be the Earl of *Errol* and others againſt the ſame.

Proteſtation be the Earl of *Argyl* in the contrair.

Ratification in favours of the Lord *Newbyth*.

Ratification in favours of Mr. *John Young* of *Leny*.

Ratification in favours of *Thomas Moncrief* of that ilk.

Ratification in favours of the Earl of *Kellie*.

Ratification in favours of the Lord *Stair*.

Ratification in favours of Sir *Andrew Fletcher* of *Aberlady*.

Ratification in favours of Mr. *Andrew Oſwald* and his Son.

Two Ratifications in favours of Sir *John Nicolſon* of that ilk.

Ratification in favours of *Mungo Graham* of *Gorthie*.

Ratification in favours of the Archbiſhop of *St. Andrews*.

Ratification

A Liſt of the un-printed Acts.

Ratification in favours of the Earl of *Perth.*
Ratification in favours of the Earl of *Roxburgh.*
Ratification in favours of Sir *Alexander Frazer* of *Dorrs.*
Ratification in favours of Sir *Robert Cunninghame* of *Auchinharvy.*
Ratification in favours of *William Murray* of *Ochtertyre.*
Ratification in favours of Sir *James Drummond.*
Ratification in favours of Sir *John Forbes* of *Wattertoun.*
Proteſtation in name of the Town of *Aberdeen* againſt the ſame.
Ratification in favours of the Earl of *Tweedale.*
Ratification in favours of Sir *Hary Bruce* of *Clackmannan.*
Ratification in favours of Sir *Alexander Don* of *Newtoun.*
Ratification in favours of Sir *Patrick Home* of *Polwart.*
Ratification in favours of Sir *Charles Erskin* of *Cambo.*
Ratification to him of his Office of *Lyon King at Arms.*
Ratification in favours of Sir *Philip Anſtruther.*
Ratification in favours of *David Fothringhame* of *Pourie.*
Ratification in favours of the Earl of *Middleton.*
Ratification in favours of the Earl of *Dundonnald.*
Ratification in favours of the Lord *Lee.*
Ratification in favours of Sir *John Keith* of *Caskieben.*
Ratification in favours of the Maſter of *Roſs.*
Ratification in favours of *John Forbes* of *Cullodin* and his Son.
Ratification in favours of *David Blair* of *Adamtoun.*
Ratification in favours of *William Hamiltoun* of *Wiſhaw.*
Ratification in favours of *George Dundas* of that ilk.
Ratification in favours of Sir *William Ker* of *Hadden.*
Ratification in favours of *Thomas Boyd* of *Pinkill.*
Ratification in favours of the Miniſter of North-*Lieth.*
Ratification in favours of *Hugh Wat.*
Ratification in favours of the Town of *Bervie.*
Ratification in favours of Sir *Adam Blair* of *Carberry.*
Ratification in favours of *George Fullertoun.*
Ratification in favours of *David Philp* of *Overcarnbie.*
Ratification in favours of Mr. *Robert Deens* of *Longhirdmiſtoun.*
Ratification in favours of the Earl of *Annandale.*
Proteſtation in name of the Viſcount of *Stormont* againſt it.
Proteſtation be the Earl of *Annandale* in the contrair.
Ratification in favours of Sir *John* and Sir *Robert Dalyells.*
Ratification in favours of Mr. *John Wiſhart.*
Ratification in favours of the Earl of *Linlithgow.*
Ratification in favours of Sir *John Nisbet*, Lord Advocat.
Ratification in favours of *Alexander Brodie* of *Letham*, *&c.*
Ratification in favours of Sir *William Purveſs* of *Woodhouſlee.*
Ratification in favours of the Girdle-makers of *Culroſs.*
Ratification in favours of *James Stewart* of *Torrence.*

Ratification

A Liſt of the un-printed Acts.

Ratification in favours of the Lord *Drumlanrig.*
Ratification in favours of the Viſcount of *Stormont.*
Ratification in favours of Lieutenant-General *Drummond.*
Ratification in favours of Sir *William Bruce* of *Balcaskie.*
Ratification in favours of the City of *Glaſgow.*
Proteſtation be the Town of *Ruglin* againſt it.
Ratification in favours of the Town of *Forfar.*
Ratification in favours of Mr. *Andrew Burnet* of *Warriſtoun.*
Ratification in favours of Sir *John Aitoun* of that ilk.
Remit for the Viſcounteſs of *Stormont*, Lord *Drumlanrig* and Laird of *Ednem.*
Act for an Impoſition to be uplifted at the North-water Bridge.
Prorogation of the Impoſition for the Bridge of *Sauchtonhall.*
Act for changing the Way at *Walter Chieſlies* Houſe at *Dalry.*
Recommendation for the Heretors of the Sheriffdom of *Berwick*, concerning their fiſhing on *Tweed.*
Commiſſions for the Fiſhings in the Waters of *Spey* and *Divorn.*
Act anent the Fiſhings on *Spey*, &c.
Commiſſion for improving of Trade.
Act diſcharging the Cuſtom of Books.
Act anent the Kirks of *Kinneil* and *Burroughſtounneſs.*
Act concerning the Loſſes of the Town of *Dundee.*
Recommendation in favours of the Maſters of the Scots Incorporation at *London.*
Continuation of the Lady *Bramfords* buſineſs.

FINIS.

Ex. F. M.
2 19/13